

### **REMARKS**

The Office Action dated April 18, 2007 (“Action”) has been received and carefully considered. Claims 1-3, 5-12, 14-21, and 26-29 are pending in the application. Applicants believe that the application is in condition for allowance and notice thereof is respectfully requested.

#### **I. RESPONSE TO OBJECTION UNDER 37 C.F.R. § 1.111(b)**

On page 2, the Action objects to the response filed July 27, 2006 (“July 27 Response”) under 37 C.F.R. § 1.111(b) alleging that no “specific arguments are presented for independent claims 10 and 21.” Applicants disagree that no arguments were presented for claims 10 and 21, but submit the following comments to clarify the arguments made in the July 27 Response.

In the Office Action of March 28, 2006 (“March 28 Action”), the Office *grouped* claims 1, 10, and 21 into a *single* rejection under 35 U.S.C. § 103(a) over U.S. Patent No. 6,442,557 to Buteau et al. (“Buteau”), in view of U.S. Patent No. 5,918,232 to Pouschine *et al.* (“Pouschine”), in further view of U.S. Patent No. 5,584,024 to Shwartz (“Shwartz”). See March 28 Action, pages 3-6. For examination purposes, the Office referenced claim 1 in the rejection, but did not write separate rejections for claims 10 and 21. By grouping claims 10 and 21 into the rejection of claim 1, the Office appears to be taking the position that claims 10 and 21 have similar features as claim 1, and hence that it was not necessary to write out a separate rejection for claims 10 and 21 in the March 28 Action.

In the latest Action, however, the Office has taken a different position in alleging that “[c]laims 10 and 21 contain *substantively different* language than that recite[d] for claim 1, so arguments presented for claim 1 are not necessarily applicable to claims 10 and 21.” See Action,

page 2; emphasis added. Applicants are confused as to why the Office has dramatically changed its position from the March 28 Action and felt it necessary to send out a Notice of Non-Compliant Amendment in the latest Action when similar features in claims 1, 10, and 21 were addressed in the July 27 Response.

On pages 12-18, the July 27 Response argued that the cited references did not disclose the claim elements of “a query structure assembly module for defining a query structure based upon a plurality of query assembly rules and a desired data set, the query assembly rules being used by the query structure assembly module to evaluate the desired data set; a syntax assembly module for defining at least one query language statement based upon the defined query structure,” as recited in claim 1. Emphasis added.

While claim 10 does not recite the exact same claim language as recited in claim 1, claim 10 does recite a query structure, query assembly rules, a desired data set, and query language syntax being based upon the query structure, all of which were argued in the July 27 Response. See July 27 Response, pages 12-18. More particularly, claim 10 recites “generating a query structure based upon a database schema associated with the data source, query assembly rules, and a desired data result set, the query assembly rules being used to evaluate the desired data set; generating query language syntax based upon the query structure for returning the desired data result set from the data source(s).” Emphasis added.

Similarly, while claim 21 does not recite the exact same claim language as recited in claim 1, claim 21 does recite a query structure, a query assembly rule, a desired data set, and a query language statement being based upon the query structure, all of which were argued in the July 27 Response. See July 27 Response, pages 12-18. More particularly, claim 21 recites “a

query structure assembly module for constructing a query structure based upon an evaluation of a desired data set by at least one query assembly rule; a syntax assembly module for defining at least one query language statement based upon the constructed query structure.” Emphasis added.

Applicants submit that the arguments in the July 27 Response addressed the common claim elements in claims 1, 10, and 21, and hence that the July 27 Response addressed claims 10 and 21 by stating that similar arguments applied to claims 10 and 21 as recited in support of claim 1. See July 27 Response, page 22.

Nevertheless, to further clarify the July 27 Response to the March 28 Action, Applicant contends that in addition to failing to disclose “a query structure assembly module for defining a query structure based upon a plurality of query assembly rules **and** a desired data set,” as recited in claim 1, Applicants submit that Buteau also fails to disclose (1) “generating a query structure based upon a database schema associated with the data source, query assembly rules, **and** a desired data result set,” as recited in claim 10; and (2) “a query structure assembly module for constructing a query structure based upon an evaluation of a desired data set by at least one query assembly rule,” as recited in claim 21.

As discussed in the July 27 Response, Buteau discloses that:

[t]he information retrieval tools by the database program such as Microsoft Access are called queries. This application program, like most others, uses an industry standard query language, called SQL (Structured Query Language), which defines the syntax and interpretation of the queries which can be used by applications to store, retrieve and manipulate data in a database system. For the purposes of this description it is assumed that that queries are in standard SQL. A sample query is shown and the links between tables in FIG. 9. The sample query asks for all processes relating to customer data. In this

example, customer data is used to bill customers and develop IR & D proposals and is used at the Lexington and McLean locations as illustrated in FIG. 10. See Buteau, col. 22, ll. 33-45; emphasis added.

Thus, FIG. 9 depicts a sample query in standard SQL. FIG. 9 of Buteau depicts five SQL commands, which are: (1) SELECT DISTINCT; (2) FROM; (3) WHERE; (4) AND; and (5) ORDER BY. The text in FIG. 9 after each of the SQL commands, which appears to be the “associated text” of FIG. 9 referred to on page 3 of the Action, is used by the SQL commands in retrieving data from a database. The SELECT DISTINCT command returns different values (i.e., non-repetitive data) from columns in a table of a database. The FROM command identifies which table(s) in the database to access for retrieving the data requested in the query. The WHERE command identifies which rows are to be retrieved from a table. The AND command is a Boolean operator that puts conditions on what data is retrieved by the WHERE command. The ORDER BY command is used to identify which columns to use for sorting the resulting data.

In contrast, claim 10 recites “generating a query structure based upon a database schema associated with the data source, query assembly rules, **and** a desired data result set.” Emphasis added. The Action only cites the WHERE command of Buteau as being “one of the [plurality of query assembly] rules” (see Action, page 3), but does not indicate what other “rules” Buteau discloses that would teach the claimed “plurality of query assembly rules.” The Action also does not identify how FIG. 9 of Buteau generates a query structure based on **both** multiple SQL commands **and** a desired data set, and then uses this defined query structure to define query language statements. Thus, the March 28 Action fails to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a) to reject “generating a query structure based upon a database schema associated with the data source, query assembly rules, **and** a desired data result

set, the query assembly rules being used to evaluate the desired data set; generating query language syntax based upon the query structure for returning the desired data result set from the data source(s),” as recited in claim 10. Emphasis added.

Also in contrast to Buteau, claim 21 recites “constructing a query structure based upon an evaluation of a desired data set by at least one query assembly rule.” Emphasis added. The Action cites the WHERE command of Buteau as being “one of the [plurality of query assembly] rules.” See Action, page 3. Buteau does not, however, disclose constructing a query structure based upon evaluating a desired data set by the WHERE command, and then defining at least one query language statement based upon the constructed query structure. Thus, the March 28 Action fails to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a) to reject “a query structure assembly module for constructing a query structure based upon an evaluation of a desired data set by at least one query assembly rule; a syntax assembly module for defining at least one query language statement based upon the constructed query structure,” as recited in claim 21. Emphasis added.

Accordingly, Applicants submit that claims 10 and 21 are allowable over the cited references and allowance thereof is respectfully requested.

## II INCORPORATION BY REFERENCE OF JULY 27 RESPONSE

Applicants incorporate by reference the July 27 Response and refer the Office thereto to address the other claims.

Therefore, for the reasons set forth above and for the reasons set forth in the July 27 Response, all of the pending claims are in condition for allowance and allowance thereof is respectfully requested.

**CONCLUSION**

Since the cited references, taken either singly or in combination, fail to teach or suggest the combinations set forth in the pending claims, and further fail to provide any motivation or suggestion of the desirability of modifying the structures or methods to arrive at the claimed combinations, Applicants submit that the pending claims are allowable over the cited references. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections, allow the pending claims, and pass the application to issue.

If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned stands ready to conduct such a conference at the convenience of the Examiner.

If there are any fees due which are not enclosed herewith, including any fees required for extension of time under 37 C.F.R. §1.136, please charge such fees to our Deposit Account No. 50-0206.

Respectfully submitted,

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